

BEFORE THE
Federal Communications Commission
WASHINGTON, D.C. 20554

In the Matter of)	
)	
Informal Request For Certification To)	RM-10687
Coordinate the Power Radio Service,)	
Railroad Radio Service, and Automobile)	
Emergency Radio Service Under Part 90)	
of The Commission's Rules)	

To: The Commission

COMMENTS OF SOUTHERN COMPANY

Southern Company hereby urges the Commission to exercise caution in reviewing the Industrial Telecommunications Association's ("ITA") petition, filed January 27, 2003, to become a certified frequency coordinator on channels formerly allocated on an exclusive basis to the Power Radio Service.¹ The Commission previously recognized the advantages of having a single coordinator for the spectrum in which ITA now wishes to become a coordinator. The Power Radio spectrum is critically important for the safe and efficient management of Southern Company's electric utility operations. Southern Company is concerned that the introduction of another coordinator not accustomed to the coordination issues prevalent in the Power Radio spectrum could have an unintended, adverse effect on Southern Company's electric utility operations.

¹ ITA's petition was deemed a Petition for Rulemaking, and comments were requested thereon by *Public Notice*, Report No. 2601, released March 26, 2003.

I. INTRODUCTION

Southern Company is a registered holding company under the Public Utility Holding Company Act of 1935, as amended. Southern Company, through five electric utility subsidiaries, Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company, and Savannah Electric and Power Company (collectively referred to herein as “Southern Company” or the “operating companies”), provides retail and wholesale electric service throughout a 127,000 square mile service territory in Georgia, most of Alabama and parts of Florida and Mississippi.

Southern Company operates an extensive private data network designed to support its electric generation, transmission and distribution services. Southern Company's private network encompasses base radios, control stations and remote devices installed throughout its operating companies' service territories, and which transmit in a number of spectrum ranges, including the private land mobile bands below 512 MHz.

II. THE COMMISSION SHOULD EXERCISE CAUTION IN EVALUATING ITA'S PETITION

Southern Company strongly supports UTC's retention of its limited ability to protect Southern Company's mission critical communications systems from congestion and interference in accordance with the Commission's rules. The operating companies use the Power Radio frequencies to control and monitor their critical infrastructure systems such as power plant operations, including nuclear power plants, as well as their transmission and distribution operations. Southern Company provides a service that is essential to all of society, and having access to a well coordinated, interference free radio system is an integral part of providing that service.

It is unclear to Southern Company if ITA possesses even a general knowledge of electric utility operations much less the level of knowledge necessary to truly consider and understand the impact its coordination activities could have on their operations. Southern Company is concerned that ITA's proposal, if adopted, could result in reduced protection for the spectrum on which its operating companies are licensed. Additionally, in recent FCC proceedings, such as the 800 MHz public safety interference docket (WT Docket No. 02-55), ITA has taken positions that are adverse to utilities in general.

Southern Company supports the Commission's desire to improve spectrum use through competitive frequency coordination. The spectrum in which ITA now seeks a role has been previously recognized by the Commission as being critical and the Commission specifically exempted this spectrum from the rules on competitive coordination.² The Commission determined that this spectrum should be exempt from competitive coordination so that licensees in this spectrum would be assured of greater protection from interference. That reasoning is still appropriate, particularly given the heightened sense of security that is attendant to utility operations since the events of September 11, 2001. In any event, the current rules do not prohibit ITA or any other I/B coordinator from coordinating any I/B eligible on these formerly exclusive Power Radio frequencies so long as they obtain UTC's concurrence.³ This is certainly a minimal and reasonable condition to protect utility operations on these channels.

² Exclusive coordination status was re-affirmed by the Commission in 1997 for two of the three coordinators targeted by ITA's request, the United Telecom Council, formerly known as the Utilities Telecommunications Council ("UTC"), and the Association of American Railroads ("AAR") in the *Second Report & Order* in PR Docket No. 92-235, 12 FCC Rcd 14307, 14329-30.

³ 47 C.F.R. §90.35(b)(2).

III. CONCLUSION

Southern Company is concerned that the introduction of another coordinator not accustomed to the coordination issues prevalent on the formerly exclusive Power Radio channels could have an unintended, adverse effect on Southern Company's electric utility operations. Southern Company believes the Commission's reasoning was sound to exclude from competitive coordination the spectrum in which ITA now seeks to be a coordinator. We urge to the Commission to use caution in considering ITA's petition and to consider whether anything has changed since this rule was last revised that would justify a lessening of coordination protections on these channels.

Respectfully submitted,

SOUTHERN COMPANY

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Dated: April 25, 2003

CERTIFICATE OF SERVICE

I, Gloria Smith, do hereby certify that on this 25th day of April 2003, a copy of the foregoing "Comments of Southern Company" was mailed, via U.S. Mail, postage prepaid to each of the following:

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